

PART VI: SERVICES

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Services can be offered to families during the family assessment or investigation, but this part of the guidance manual primarily addresses services provided after a case is opened. The broad goals of CPS services are:

- prevention of further abuse or neglect to the child;
- assurance of the child's safety; and
- maintenance of the child in his family.

When the local department completes a CPS family assessment or investigation and the risk of future maltreatment is high or moderate, the identified and needed services to reduce the risk should be made available to the child and his family.

The local department is responsible for the CPS service planning process. This planning should be based on the assessed risk and family centered and strength based. The service plan should be jointly developed with the family, including both parents and caretakers whenever possible, and should be written in clear and understandable language.

The service plan must be based on the local department's assessment of the following:

- identification and evaluation of significance and interaction of key risk elements;
- family's view of the situation, and individual strengths; and.
- collaboration with other community resources as needed to reduce risk of further abuse or neglect.

A. Local Department Must Make CPS Services Available to Certain Children and Families

The appropriate services for a particular family must be tailored to the family's unique strengths; the type of abuse or neglect that has been identified; and the local department's assessment of the child's safety and risk of future maltreatment. Local departments should provide CPS on-going services to the family based on these principles:

- a. Social services should be delivered to the family as part of a total system, with cooperation and coordination occurring among administration, temporary assistance and family services programs.
- b. Every effort should be made to maintain the family as a functioning unit and prevent its breakup, while keeping children safe.
- c. The worker/family relationship is a primary vehicle for change.
- d. Positive change is possible.
- e. The most effective way to address a family's needs is to recognize and support its strengths.

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- f. CPS services are successful by virtue of how they are presented, understood, and used by the family to keep all children free from maltreatment.
- g. CPS services should empower families to function independent of the social services system while all members remain safe. The purpose of the direct services is to address identified individual and family needs while providing timely and continuing reassessment of child safety, risk of maltreatment, ability of the parents to provide a minimum standard of care, and progress toward achieving the outcomes or goals identified in the service plan.

1.0 Legal Authority To Provide CPS Services

The *Code of Virginia* §§ [63.2-1505](#) and [63.2-1506](#) provide statutory authority to provide or arrange for services to families at the conclusion of a family assessment or investigation.

22VAC40-705-150(A). At the completion of a family assessment or investigation, the local department shall consult with the family to provide or arrange for necessary protective and rehabilitative services to be provided to the child and his family to the extent funding is available pursuant to § 63.2-1505 or 63.2-1506 of the Code of Virginia.

When the local department completes a CPS family assessment or investigation and the risk of future maltreatment is high or moderate, the identified and needed services to reduce risk should be made available to the child and his family. The identification and provision of services may also be provided to the family during the family assessment or investigation.

Services may also be provided to or arranged for the alleged abuser or neglecter when the abuser or neglecter is not a parent.

2.0 Services For Completed Family Assessment or Founded Investigation With Moderate or High Risk

When moderate or high risk is assessed in a completed family assessment or investigation, the local department shall consult with the family to provide or arrange for necessary protective and rehabilitative services to be provided to the child and his family to the extent funding is available. The local department shall provide CPS services either directly or by purchase, without regard to income for a child, parent or guardian, and alleged abuser or neglecter when the local department documents that other resources are not available to cover the cost of service. All service needs must be documented in the service plan and it must be documented that these

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services are to prevent further child abuse or neglect or to prevent placement of the child outside of the family.

B. Provide Mandated CPS On-Going Services

In situations determined to be at risk of child maltreatment, the transfer of the case from investigation or family assessment status to ongoing services should occur without delay. The ongoing worker should receive the entire record on the family. However, need for the entire record should not delay the transfer of enough information to begin essential services to prevent abuse/neglect.

1.0 Application for Services: Family Assessment or Founded Investigation With High or Moderate Risk Assessment

When the completed founded investigation or family assessment has a high or moderate risk assessment and there are services identified that will reduce risk for abuse or neglect, there is no requirement for the family to sign a service application. The CPS worker must document in the automated data system that the family has agreed to services or that services are court ordered. Open the service case in the family's name. CPS on-going cases for abusers in founded out of family investigations with moderate or high risk are opened in the name of the abuser.

1.1 Purchased Services

Local departments must make available to the child and family the following purchasable services if identified in the service plan:

- a. Emergency Shelter for Children, and
- b. Medical/Remedial Care.

1.2 Other Services

Any other service that the local department identifies as appropriate may be purchased on behalf of the child and family, if it is included in the CPS service plan and is to prevent further abuse or neglect.

Examples of purchased services include but are not limited to: emergency shelter for families; emergency needs; child care; and counseling and treatment services.

1.3 Child Care Services

Local departments may purchase child care services if it is identified in the CPS on-going services plan. The funding sources for these services vary. CPS Workers should refer to the Social Services

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Manual, Volume VII, Section III, Chapter D, Child Care to determine limitations on the use of these funds.

1.4 Local Departments Shall Not Purchase Certain Services

The *Code of Virginia* § [63.2-1503](#) does not permit local departments to purchase CPS investigation or family assessment services from private or other public non-social services departments.

Local departments may contract with another local department to provide these services.

2.0 Develop On-Going Service Plan; Conduct Risk Reassessment and Service Plan Review

2.1 Service Plan

The Virginia Administrative Code defines “Service Plan”.

22VAC40-705-10 “Service Plan” means a plan of action to address the service needs of a child and/or his family in order to protect a child and his siblings, to prevent future abuse and neglect, and to preserve the family life of the parents and children whenever possible.

2.2 Required Elements of the CPS Service Plan

The elements of a CPS service plan include:

- a. The local department shall work, in partnership, with the family and other community resources to identify specific behaviors and environmental conditions that need to change in order to prevent abuse or neglect and to provide a safe environment for the child.
- b. When the service plan is completed, the local department must offer or arrange for services and resources appropriate to meet those needs identified in the service plan.
- c. The identified service needs shall be documented in the automated data system.

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- d. The service plan must be developed within 30 days of opening the case and include:
 - 1. The specific needs identified with the family and the services to be provided to the family to address those specific needs, including the family's perception of those needs;
 - 2. Who will provide the services;
 - 3. The frequency of these services;
 - 4. A specific time to review the service plan; and
 - 5. The goal or expected outcome of the service.
- e. The service plan must be reviewed with the family at least once every three months. Changes to the Service Plan must be based on the family progress toward attaining specific objectives and reduction of risk of future maltreatment.

2.3 Document CPS On-going Services

All services in an on-going CPS case must be documented in the automated data system. Some information may be available only in hard copy. The local department must keep this information in a separate file and reference these materials in the automated data system. The case record should contain:

- a. Initial safety and risk assessments from the family assessment or investigation;
- b. Behaviorally specific service plan;
- c. Reassessments of risk and of the progress toward meeting the objectives of the plan, including supervisory staffings;
- d. Documentation of all pertinent contacts, including failed contacts;
- e. Information that addresses child well-being, such as physical health, mental health and education;
- f. If services are not provided, documentation of reasons;
- g. A closure summary when case is closed or transferred.
- h. Supervisory Approval of service plan, service plan review and changes, and case closure.

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3.0 Social Worker Must Have Face to Face Contact with Child and Family

3.1 Frequency of Required Contacts

The frequency of contacts with the child and family should be determined from the needs identified in the service plan, but the following are minimum requirements :

- 1. Face-to-face contact between the CPS worker and the child and family at least one time per month;*
- 2. The CPS worker must visit in the family home at least one time every other month; and*
- 3. All contacts must be documented in the automated data system.*

If the local department provides purchased services to the child or family, the CPS worker must document in the automated data system the need for those services as well as that the purchased services were provided. All services should be related to reducing the risk of abuse or neglect.

4.0 Conduct Risk Reassessment and Review Service Plan

4.1 Service Plan Review Schedule

The local department shall review each CPS service plan every three months or more often if the risk to the child changes.

4.2 Risk Reassessment

Every service plan review shall include a risk reassessment with the family and a determination of current level of risk to the child that is reviewed with the supervisor and documented in the automated data system.

4.3 Services Completed

If the risk level is low or all services have been completed, the CPS on-going case shall be closed. The decision to close the CPS on-going case shall be approved by the supervisor and documented in the automated data system.

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4.4 Services Still Needed

If the risk level continues to be moderate or high, the service plan must be updated to reflect current service needs and a determination made to continue services or close the case to services. The continuing service plan shall be reviewed by the supervisor and documented in the automated data system.

5.0 Prevent Foster Care Placement: Reasonable Candidacy Program

As a part of the determination of risk of future abuse or neglect, local departments should evaluate whether or not a child is a reasonable candidate for foster care placement because the local department is seeking the child's removal from the home or is making reasonable efforts through services to prevent the child's removal.

If the local department believes the child is at risk of foster care placement if services are not provided to prevent foster care, the department should determine if the child is eligible for the Reasonable Candidacy Program. If the child is eligible, the local department may claim Title IV-E reimbursement for administrative activities performed on behalf of these children regardless of whether the child is actually placed in foster care.

The specific eligibility requirements for reasonable candidacy can be found in the Reasonable Candidacy Program Manual at <http://spark.dss.virginia.gov/divisions/dfs/fc/manual.cgi>.

The manual includes a form to document eligibility for reasonable candidacy and for the local department's reimbursement for services. That form can be found at: <http://spark.dss.virginia.gov/divisions/dgs/warehouse.cgi>. There is also a copy of the form in the Appendix of this manual.

In CPS services cases, the documentation for reasonable candidacy is a defined service plan that clearly states that absent effective preventative services, foster care will likely result. The CPS ongoing services plan is an acceptable case plan to document reasonable candidacy and must clearly demonstrate that the case is actively managed by the local department to maintain the child in the home and to prevent the child's foster care placement.

It is important to note that reasonable candidacy eligibility and documentation are related to the fiscal reimbursement for services to the local department and does not replace the requirements to determine and document eligibility for on going CPS services.

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6.0 When Family Refuses CPS Services

22VAC40-705-150(B). Families may decline services offered as a result of family assessment. If the family declines services, the case shall be closed unless there is an existing court order or the local department determines that sufficient cause exists due to threat of harm or actual harm to the child to redetermine the case as one that needs to be investigated or brought to the attention of the court. In no instance shall these actions be taken solely because the family declines services.

The local department has no authority to enforce the provision of services when a family, or other individual, refuses to accept those services. When services are refused, the local department must consider whether alternative action is necessary. The decision to seek alternative action to compel the acceptance of services should be based on the risk of harm to the child or immediate safety factors.

When services are determined to be necessary to prevent abuse or neglect, but services are refused, both the offering and refusal must be fully documented in the automated data system.

6.1 When Family Refuses CPS Services, Local Department May Seek Court Assistance

If a parent, or any individual, refuses to accept services, the worker should consult with the county/city attorney to determine if court action is needed. The local department may petition the court to order the necessary services.

The worker may also petition the court to require, not only a child's parent(s), but also guardian, legal custodian, other person standing in loco parentis or other family or household member of the child to cooperate in the provision of reasonable services or programs designed to protect the child's life, health or normal development pursuant to *Code of Virginia* §[16.1-253](#).

6.2 Court Should be Last Alternative in Family Assessments

22VAC40-705-150C. At the completion of a family assessment, local departments of social services may petition the court for services deemed necessary including, but not limited to, the removal of the child or siblings from their home.

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6.3 Court Refuses Local Department's Request for Assistance

If the court does not issue an order compelling the family to accept services and the parent(s) or other guardian, legal custodian, other person standing in loco parentis or other family or household member of the child continue to refuse critical services, the local department should consult legal counsel to determine if any other alternatives are available in working with the court. If no other legal recourse is available, the worker should close the case to child protective services.

7.0 Local Department Must Use Reasonable Diligence to Locate Missing Child or Family in CPS Service Case

22VAC40-705-150(F). The local department must use reasonable diligence to locate any child for whom a founded disposition of abuse or neglect has been made and a child protective services case has been opened pursuant to § 63.2-1503(F)(i) of the Code of Virginia. The local department shall document its attempts to locate the child and family.

7.1 What Constitutes Reasonable Diligence

The local department shall document reasonable and prompt attempts to locate the child and family including but not limited to checking when applicable:

- a. Child welfare automated data system
- b. Postal Service for last known address
- c. Postal Service for forwarding address
- d. Neighbors, landlords, known relatives
- e. School records
- f. Department of Motor Vehicles
- g. Department's Division of Support Enforcement
- h. Department of Corrections, Probation and Parole
- i. Law Enforcement
- j. Telephone and utility companies
- k. Employer
- l. Other appropriate contacts

7.2 Document Use of Reasonable Diligence in Locating Child and Family

The local department must document in the information system its attempts to locate the alleged victim child and the family.

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7.3 Local Department Must Conduct Periodic Checks for Missing Child or Family

If the victim child or family is not found, the local department must establish a timetable for making periodic checks. Periodic checks for the missing child must continue until the local department is satisfied with the resolution of the case. The local department shall document the timetable in the automated data system as well as the results of the periodic checks.

8.0. Abuse and Neglect Allegation in Open CPS Case

When child abuse or neglect allegations are made on an open CPS ongoing or prevention case, the report must be treated as a new CPS report, evaluated for validity and response according to Part II: Complaints and Reports of this manual. The local department may decide whether to have the ongoing worker respond to a valid report if that worker is qualified as a CPS worker, having received the mandated training for CPS. The referral and results of a valid report must be documented in the automated information system as a family assessment or an investigation.

C. Close CPS On-Going Case When Service Plan is Completed and Risk is Low

The local department must close the CPS on-going case when the service plan is completed and the risk level is low. The closure must be documented in the automated data system and approved by the worker's supervisor. The family must be informed that the case is closed both orally and in writing.

D. Transfer CPS On-Going CPS Service Case

22VAC40-705-150(G). When an abused or neglected child and persons who are the subject of an open child abuse services case have relocated out of the jurisdiction of the local department, the local department shall notify the child protective services agency in the jurisdiction to which such persons have relocated, whether inside or outside of the Commonwealth of Virginia, and forward to such agency relevant portions of the case records pursuant to § 63.2-1503 (G) of the Code of Virginia.

1.0 Transfer Open Child Protective Services Case to Another Local Department in Virginia

When a child moves, the case shall be transferred to the local department in the locality where the family will reside.

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1.1 Local Department to Initiate Transfer Immediately

The local department must contact the receiving agency immediately to notify the agency that the family is moving to that locality and will need CPS on-going services.

At a minimum the local department shall provide to the receiving local department the following information:

- a. Automated Data System Case Number
- b. Summary of the sending agency's involvement with the family, including the services currently being provided to the child or family.

1.2 Local Department Must Send Entire Record to Receiving Local Department Within Thirty Days

A copy of the entire child protective services record, including the fully documented automated record and any additional hard copy reports or files, shall be forwarded to the new locality within 30 days. The automated case record shall be forwarded electronically, and any other record information shall be mailed or faxed. The sending local department retains all originals of the hard copy record, including the required notifications.

1.3 Receiving Local Department Must Provide Services

22VAC40-705-150(H). The receiving local department shall arrange necessary protective and rehabilitative services pursuant to § 63.2-1503(G) of the Code of Virginia.

2.0 Transfer Open CPS Service Case to Another State

If the family in an open CPS service case moves to another state and services are still needed to prevent abuse and neglect, contact the receiving state for information and instructions. State contacts can be found at the following link: <http://www.aphsa.org/Links/links-state.asp>

2.1 Transfer CPS Case Out Of State; Child in the Custody of a Local Department

The local department shall contact the Interstate Compact for the Placement of Children (ICPC) Unit at the Department of Social

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Services for assistance to transfer to another state an on going CPS case with at least one child in the home and at least one child in the custody of a local department of social services,

E. Retention Requirements for CPS Ongoing Case Records

Closed CPS ongoing records are to be destroyed in accordance with laws governing public records in the Commonwealth. These rules allow for CPS ongoing case records to be destroyed or purged 3 years from the date the case was closed if an audit has been performed. If no audit has been performed, the record may be destroyed 5 years from the date the case was closed.

There are different purge requirements for screened out CPS reports, unfounded investigations, founded investigations and family assessments that are noted in other parts of this guidance manual.

F. Provide CPS Prevention Services

1.0 Legal Authority

The *Code of Virginia* §[63.2-1501](#) provides the statutory definition of prevention.

22VAC40-705-150(D). Protective services also includes preventive services to children about whom no formal complaint of abuse or neglect has been made, but for whom potential harm or threat of harm exists, to be consistent with §§ [16.1-251](#), [16.1-252](#), [16.1-279.1](#), [63.2-1502](#) and [63.2-1503\(J\)](#), of the Code of Virginia.

Local departments are authorized to provide CPS prevention services to families and children in CPS Investigations with Unfounded Dispositions with a moderate or high risk assessment; when no formal report has been; or a report has been made but did not meet the criteria for a CPS response. The local department may provide services to the family or child to prevent child abuse and neglect, if the parent voluntarily agrees to such services, and signs a service application.

2.0 Open CPS Prevention Services Case

A signed service application form or its equivalent is required to open a case for families and children in unfounded investigations, screened out CPS reports, or when no formal CPS report has been made. Refer to Volume VII, Section I, Chapter B., Intake and Case Management at:

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http://spark.dss.virginia.gov/divisions/dfs/genericpolicy_chapter_b.pdf for guidance to develop a service plan for CPS Prevention Cases.

3.0 No Authority to Compel Family to Accept Services

The local department cannot compel families to accept CPS prevention services. The local department should engage a family in a service planning process that emphasizes family strengths, as well as its needs, and supports the family's efforts to provide a safe and nurturing environment for children. The local department can help the family identify community resources that will support the family and prevent abuse and neglect.